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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 March 2000]

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*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

CUBA: VIOLATIONS INTENSIFY.
SPECIAL RAPPORTEUR REQUESTED.

Human Rights

Contrary to the expectations after the Papal visit in January 1998, freedom and democracy have not improved in Cuba. The April 1998 resolution of the UN Commission on Human Rights was an expression of international concern. In spite of international criticism, repressive legislation in Cuba has not been abolished or reformed. Numerous civilians, especially civil groups like independent journalists, human rights advocates, those who demand amnesty for political prisoners and those who organise independent libraries, independent agricultural co-operatives, independent workers' unions and many more, have been victims of systematic aggression by the authorities.

Pax Christi welcomes the public concern of the Catholic Church about the suffering of the Cuban people as well as the solidarity of former Eastern European dissidents, as expressed in their public letter of November 1999.

Practices like intimidation and harassment and short term arrests as well as long term sentences have not diminished during 1999. According to the CNPEPP (National Co-ordination of Prisoners and Ex-Political Prisoners) and Reporters without Frontiers the political police even intensified the persecution of dissidents, journalists and common civilians. Death penalty legislation was expanded. According to Human Rights Watch at least 12 prisoners were executed in 1999.

In 1999 prominent dissidents like the four leaders of the Internal Dissidents Group (GTDI) were sentenced to several years of prison for attempting to present a democratic non-violent alternative: as expressed in a document 'The homeland belongs to us all'. In December of the same year the president of the 'Democratic Party November 30 Frank Pais' Ms. Maritza Lugo (whose husband was already sentenced to 20 years), was put in prison for co-operating in preparing a Christmas procession. The well known physician Oscar Biscet of the Lawton Human Rights Foundation (FLDH), which promotes particularly the right to life (opposing death penalty and forced abortion), was detained 26 times in 18 months; expelled from the Cuban National Health System (Feb. '98) and evicted from his home, depending on charity of friends. He has been mistreated physically and psychologically numerous times, suffering beatings, threats, blackmails and arbitrary incarcerations in cells along with insane individuals. State security pressures him to leave the country, to which he reiterated that he will never abandon his country. Arbitrarily detained since November 1999, in February 2000 the State Prosecutor petitioned a seven-year jail sentence. On February 25 Doctor Biscet was sentenced to three years. Many other peaceful activists share the fate of Dr. Biscet and have to endure inhumane prison conditions. Their crime is to honour the Universal Declaration of Human Rights in their own country. Also in January 2000 human rights activist Oswaldo Paya from the Christian Movement for Liberation (MCL), well known to Pax Christi, and Hector Palacios from the Democratic Solidarity Party, were arbitrarily detained and

threatened with criminal prosecution if they continued their actions in defence of democracy and human rights. The independent journalist Victor Arroyo was detained and sentenced for six months just for distributing toys to poor children during the celebration of Epiphany.

Cuba's legislation impedes the exercise of fundamental human rights like freedom of expression, movement, assembly and press. The 'Law for the protection of national independence and the Cuban economy' (Feb. 1999) opens the door to penalties up to 15 years for those who 'supply or gather information' that could be interpreted as 'supporting the economic war against Cuba'. Cuba's criminal code continues to be implemented against innocent civilians, penalising them with sometimes years of imprisonment because the authorities consider them 'dangerous', for spreading 'unauthorised news', or showing 'disrespect', because they tried to leave the country 'unauthorised' or simply because they spoke out.

Independent trials do not exist in Cuba and convictions are often based on 'confessions' extracted during detention. No independent human rights group, national or international, can monitor human rights in Cuba. Representatives of international organisations such as Human Rights Watch, Amnesty International, Reporters without Frontiers and Pax Christi are not allowed access to the country. In Cuba the International Red Cross (ICRC) is unable to fulfil one of its essential task: visiting jails. The Catholic Church has this possibility, but is in this task heavily limited and controlled by the authorities.

However, the deplorable situation of Cuban prisoners has become evident to the world. Referring to political prisoners, in the October 1999 report 'Medical Concern', Amnesty International reports on the practice of deliberately withholding medical attention and food as punishment to certain prisoners. Recently independent journalists reported on several cases of prisoners beaten to death. Forced labour under severe conditions is a common practice.

The international community and Cuba

It is clear the Papal call to the world to open itself to Cuba and to Cuba to open itself to the world, did stimulate increased international contacts with Cuba, especially with Latin American and Caribbean states. But Cuba did not open up to its own people.

Economically Cuba relies highly on Canadian and European investors. European enterprises increasingly respond positively to the efforts of the Cuban government to attract foreign investment, including restrictions on labour rights. Yet it is well known that Cuba violates core labour rights as defined by the ILO conventions (direct payment, freedom of assembly, freedom of bargaining, no political discrimination, etc.). Foreign investment under the actual conditions established by the Cuban authorities has contributed to the division in society between those who have access to dollars and those who have not. It increased discrimination and stimulated the rise of a new wealthy class in control that is based in state institutions like the Party and the military. The state of misery the Cuban population is forced to live in has –

particularly in the capital of Havana – led to massive prostitution among all social backgrounds and including children; a shameful situation Western tourism is exploiting. Contrary to the claims of some, until now foreign investment has not led to internal economic or political opening.

Pax Christi calls on all companies that invest in Cuba to apply international standards (such as the ILO conventions that Cuba has ratified) to Cuban practice and press the Cuban authorities to do so, starting by recognising independent trade unions. Rather than taking advantage of cheap labour and state repression, best business practices – for example the 'Arcos Principles'- could be taken as guidelines for Cuba.

Pax Christi calls on the United Nations to again appoint a Special Rapporteur for Cuba, and recommends a visit to the country by the UN High Commissioner for Human Rights.